



BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Northern Indiana Public Service Company

Project No. 12514-056

NOTICE OF APPLICATION FOR TEMPORARY VARIANCE OF LICENSE
ARTICLE 403 AND SOLICITING COMMENTS, MOTIONS TO INTERVENE AND
PROTESTS

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Extension of temporary variance of license article 403
- b. Project No: 12514-056
- c. Date Filed: November 28, 2012
- d. Applicant: Northern Indiana Public Service Company (licensee)
- e. Name of Project: Norway-Oakdale Hydroelectric Project
- f. Location: The Norway-Oakdale Project is located on the Tippecanoe River near the town of Monticello, in Carroll and White counties, Indiana. The project consists of the upper Norway development and the lower Oakdale development each of which has a dam and powerhouse.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a - 825r
- h. Applicant Contact: Mr. Justin Darling, Hydro Supervisor – Chemical and Environmental Compliance, Northern Indiana Public Service Company, 1414 W. Broadway, Monticello, IN 47960, 574-583-1154.
- i. FERC Contact: Mr. Robert Ballantine at 202-502-6289, robert.ballantine@ferc.gov
- j. Deadline for filing comments, motions to intervene, and protests: **February 8, 2013.**

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at

<http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments.

Please include the project number (P-12514) on any comments, motions, or recommendations filed.

k. Description of Request: Northern Indiana Public Service Company, licensee for the Norway-Oakdale Hydroelectric Project, requests the Commission to grant an extension of time to a temporary variance of license Article 403 that was granted by the Commission on October 4, 2012, due to continued regional drought conditions. In that order, the Commission granted a temporary variance of license article 403 until December 31, 2012. Article 403, in part, requires the licensee to operate the project in a run-of-river manner where, project outflow is equal to project inflow and to maintain lake elevations of Lake Shafer within ± 0.25 feet of elevation 647.47 feet National Geodetic Vertical Datum (NGVD) and Lake Freeman within ± 0.25 feet of elevation 612.45 NGVD. The U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources have requested that the licensee release a minimum flow of 200 cubic feet per second (cfs) from the Oakdale Dam for the preservation of federally endangered mussel species which inhabit the Tippecanoe River downstream of the project reservoirs. Due to the potential continuation of regional drought conditions affecting the project watershed, the release of 200 cfs downstream of the project, at times, may not be equal to project inflow and therefore may result in the lake elevations decreasing below 0.25 feet NGVD as permitted by Article 403 of the project license. The licensee is requesting that the temporary variance be extended to December 1, 2013.

l. Locations of the Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling 202-502-8371. This filing may also be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call 202-502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents: Any filing must (1) bear in all capital letters the title "COMMENTS"; "PROTESTS", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: January 9, 2013

Kimberly D. Bose,
Secretary.

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